

1 Remarks

2 Amendments to the Claims:

3 New claims 41 and 42 have been added. Support for new claims 41 and 42 is
4 found in the specification at page 6, paragraph 0015. No other amendments have
5 been made to the claims. No new matter has been added.

6 Rejection of Claims Under 35 U.S.C. § 102:

7 Claims 1, 9, and 26-28 have been rejected under 35 U.S.C. § 102(b) in the
8 final Office action, which was mailed 04/09/2004 (the "last Office action").
9 Specifically, claims 1, 9, and 26-28 have been rejected under 35 U.S.C. § 102(b) as
being by Azar.

10 A generally accepted standard for making an anticipation rejection under 35
11 U.S.C. 102 is found in the MPEP which states, "A claim is anticipated only if each
12 and every element as set forth in the claim is found, either expressly or inherently
13 described, in a single prior art reference." (MPEP 2131.) Or, in other words, "[t]he
14 identical invention must be shown in as complete detail as is contained in the . . .
claim." (Id.)

15 A review of figure 1 of Azar reveals a roller 23 having a core 25 mounted on a
16 shaft 26. The core 25 is coated with a layer 27, which in turn is coated with an outer
17 layer 28. The outer layer 28 is "*a silicone elastomer having an iron oxide filler
dispersed therein . . .*" (Azar, col. 4, lines 27-36.)

18 In regard to the Applicant's claim 1, that claim recites the following salient
19 element: "*a roller having a metal heat absorptive outer layer . . .*" In other words,
20 claim 1 requires that the outer layer of the roller is metal.

21 The Applicant contends that the outer layer of "*silicone elastomer having an
22 iron oxide filler dispersed therein*" disclosed by Azar is in no way equivalent to the
23 metal outer layer required by the Applicant's claim 1. Specifically, a metal layer
24 comprises only metal, and does not comprise silicone elastomer, because silicone
25 elastomer is not metal. Moreover, as the Applicant has stated in a previous
response, silicone is defined as *non-metallic*. Therefore, an outer layer that includes
silicone, such as that of Azar, cannot be a metal layer.

For at least these reasons, the Applicant contends that Azar does not
anticipate claim 1, because Azar does not disclose a metal outer layer as is required

1 by claim 1. Accordingly, the Applicant respectfully requests that the rejection of
2 claim 1 be withdrawn and that the claim be allowed.

3 In regard to claims 9, and 26-28, those claims each depend from claim 1.
4 Thus, claims 9, and 26-28 each contain all of the elements of claim 1. Therefore, the
5 Applicant contends that Azar does not anticipate claims 9, and 26-28 for at least the
6 reasons set forth above with respect to claim 1. Accordingly, the Applicant
7 respectfully requests that the rejections of claims 9, and 26-28 be withdrawn and that
8 those claims be allowed.

8 Rejection of Claims Under 35 U.S.C. § 103:

9 In the last Office action, claims 4-8, 12-16, 18-25, and 29-40 were rejected
10 under 35 U.S.C. § 103(a). Specifically, claims 4-6, 13-16, and 33-37 have been
11 rejected as being unpatentable over Azar in view of Hartley. Claims 7-8, 12, 18-25,
12 and 38-40 have been rejected as being unpatentable over Azar in view of Onishi.
13 Also, claims 29-32 have been rejected as being unpatentable over Azar in view of
14 Takeuchi.

15 A generally accepted standard for rejecting a claim under obviousness is that
16 in order "[t]o establish a *prima facie* case of obviousness . . . the prior art reference
(or references when combined) must teach or suggest all the claim limitations."
(MPEP 2142).

17 Moreover, "[i]f an independent claim is nonobvious under 35 U.S.C. 103, then
18 any claim depending therefrom is nonobvious." (MPEP 2143.03.)

19 In regard to claims 4-8, 12-14, 29-33, and 40, those claims all depend from
20 claim 1, which is an independent claim. The Applicant notes that claim 1 has not
21 been rejected as being obvious. Therefore, claim 1 is an independent claim that is
22 nonobvious. Further, as argued above, the Applicant contends that claim 1 is
23 allowable over the prior art. Accordingly, all of the claims that depend from claim 1
24 are nonobvious as a matter of law. That is, claims 4-8, 12-14, 29-33, and 40 are
25 nonobvious as a matter of law because they all depend from claim 1, which is an
independent claim that is novel and nonobvious.

Accordingly, the Applicant respectfully requests that the rejections of claims 4-
8, 12-14, 29-33, and 40 be withdrawn, and that those claims be allowed.

1 In regard to claim 15, as mentioned above, that claim has been rejected as
2 being unpatentable over Azar in view of Hartley. The Applicant respectfully
3 disagrees with the contention that claim 15 is unpatentable over Azar in view of
4 Hartley.

5 Claim 15 contains at least the following salient element: "*a pair of temperature*
6 *sensors configured to measure a temperature differential therebetween.*" While
7 Hartley discloses a plurality of thermistors 39 that are configured to measure
8 temperature, Hartley does not disclose that any two of the thermistors are configured
9 to measure a temperature differential therebetween, as is required by claim 15.
10 Thus, neither Azar nor Hartley, either individually or combined, teach all of the
11 limitations of claim 15, as is required for a finding of obviousness. Accordingly, a
12 *prima facie* case of obviousness has not been established for claim 15. The
13 Applicant therefore respectfully requests that the rejection of claim 15 be withdrawn
14 and that the claim be allowed.

15 In regard to claims 16, 18, and 34-39, those claims all depend from claim 15.
16 Therefore, claims 16, 18, and 34-39 are nonobvious for at least the reasons set forth
17 above with respect to claim 15. Moreover, claim 16 contains at least the following
18 salient element: "*wherein said outer layer is metal.*" As is discussed above with
19 respect to claim 1, Azar does not disclose a roller wherein the outer layer is metal.
20 Likewise, Hartley does not disclose a roller wherein the outer layer is metal. Thus,
21 for these additional reasons, claim 16 is nonobvious.

22 Also, claim 34 contains at least the following salient elements:

23 *said fusing roller and said pressure roller together form a nip region that has*
24 *an infeed side and an opposite outfeed side;*

25 *one of said pair of temperature sensors is positioned proximate said fusing*
roller and configured to detect a surface temperature thereof on said infeed side of
said nip region; and

another of said pair of temperature sensors is positioned proximate said
fusing roller and configured to detect a surface temperature thereof on said outfeed
side of said nip region.

Neither Azar nor Hartley, either individually or when combined, disclose all of
these limitations of claim 34, as is required for a finding of obviousness. Thus, for
these additional reasons, claim 34 is nonobvious. Accordingly, the Applicant

1 respectfully requests that the rejection of claim 34 be withdrawn and that the claim
2 be allowed.

3 Moreover, claim 35 contains at least the following elements:

4 *said fusing roller and said pressure roller together form a nip region that has*
5 *an infeed side and an opposite outfeed side;*

6 *one of said pair of temperature sensors is positioned proximate said fusing*
7 *roller and configured to detect a surface temperature thereof on said infeed side of*
8 *said nip region; and*

9 *another of said pair of temperature sensors is positioned proximate said*
10 *pressure roller and configured to detect a surface temperature thereof on said*
11 *outfeed side of said nip region.*

12 Neither Azar nor Hartley, either individually or when combined, disclose all of
13 these limitations of claim 35, as is required for a finding of obviousness. Thus, for
14 these additional reasons, claim 35 is nonobvious. Accordingly, the Applicant
15 respectfully requests that the rejection of claim 35 be withdrawn and that the claim
16 be allowed.

17 Additionally, claim 36 contains at least the following elements:

18 *said fusing roller and said pressure roller together form a nip region that has*
19 *an infeed side and an opposite outfeed side;*

20 *one of said pair of temperature sensors is positioned proximate said pressure*
21 *roller and configured to detect a surface temperature thereof on said infeed side of*
22 *said nip region; and*

23 *another of said temperature sensors is positioned proximate said fusing roller*
24 *and configured to detect a surface temperature thereof on said outfeed side of said*
25 *nip region.*

Neither Azar nor Hartley, either individually or when combined, disclose all of
these limitations of claim 36, as is required for a finding of obviousness. Thus, for
these additional reasons, claim 36 is nonobvious. Accordingly, the Applicant
respectfully requests that the rejection of claim 36 be withdrawn and that the claim
be allowed.

Furthermore, claim 37 contains at least the following elements:

said fusing roller and said pressure roller together form a nip region that has
an infeed side and an opposite outfeed side;

1 *one of said pair of temperature sensors is positioned proximate said pressure*
2 *roller and configured to detect a surface temperature thereof on the infeed side of*
3 *said nip region; and,*

4 *another of said pair of temperature sensors is positioned proximate said*
5 *pressure roller and configured to detect a surface temperature thereof on said*
6 *outfeed side of said nip region.*

7 Neither Azar nor Hartley, either individually or when combined, disclose all of
8 these limitations of claim 37, as is required for a finding of obviousness. Thus, for
9 these additional reasons, claim 37 is nonobvious. Accordingly, the Applicant
10 respectfully requests that the rejection of claim 37 be withdrawn and that the claim
11 be allowed.

12 In regard to claim 19, as mentioned above, that claim has been rejected as
13 being unpatentable over Azar in view of Onishi. The Applicant respectfully disagrees
14 with the contention that claim 19 is unpatentable over Azar in view of Onishi.

15 Claim 19 contains at least the following salient elements:

16 *forming a nip region between said fusing roller and a pressure roller, wherein*
17 *said nip region has an infeed side and an outfeed side; and,*

18 *detecting a temperature differential between said infeed side and said outfeed*
19 *side of said nip region.*

20 Neither Azar nor Onishi, either individually or combined, teach all of these
21 limitations of claim 19, as is required for a finding of obviousness. Accordingly, a
22 *prima facie* case of obviousness has not been established for claim 19. The
23 Applicant therefore respectfully requests that the rejection of claim 19 be withdrawn
24 and that the claim be allowed.

25 In regard to claims 20-25, those claims depend from claim 19. Therefore,
claims 20-25 are nonobvious for at least the reasons set forth above with respect to
claim 19. Accordingly, the Applicant respectfully requests that the rejections of
claims 20-25 be withdrawn and that those claims be allowed.

Summary

The Applicant believes this Submission for a Request for Continued Examination under 37CFR1.114 constitutes a full and complete reply to the last Office

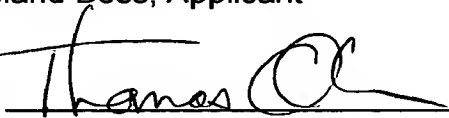
1 action. The Applicant further believes that claims 1, 4-9, 12-16, 18-42 are in
2 condition for allowance, and therefore requests timely allowance of those claims.

3 The Examiner is respectfully requested to contact the below-signed attorney if
4 the Examiner believes this will facilitate prosecution toward allowance of the claims.

5 Respectfully submitted,
6 Roland Boss, Applicant

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8 Date: June 08, 2004

by



9 Thomas Olson

10 Attorney for Applicant

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